

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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KEVIN WILLIAMS,

Plaintiff,

v.

Case No. 2:10-CV-130

Hon. Gordon J. Quist

MICHIGAN DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

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**ORDER APPROVING**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on Plaintiff on July 26, 2011. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed July 26, 2011, is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Amanda Winnicki And Kylie Woods' Motion To Dismiss For Failure To Exhaust Administrative Remedies As Required By 42 U.S.C. § 1997e(a) (docket no. 28) is **GRANTED**.<sup>1</sup> Plaintiff's complaint is **dismissed without prejudice**.

This case is **concluded**.

Dated: September 13, 2011

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Although Defendants brought their motion as a motion to dismiss, the motion is properly characterized as a motion for summary judgment, as Defendants relied upon matters outside the pleadings to support their motion. The Court notes that the magistrate judge, while citing the standard of review for a motion to dismiss, properly applied the summary judgment standard in analyzing Plaintiff's failure to exhaust.